



# Indiana Court Times

Supreme Court, Division of State Court Administration

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## 1999 Appellate Rules Revision

*Submitted by George Patton*

### **Highlights for Trial Court Clerks and Court Reporters**

***The Appellate Practice Section of the Indiana State Bar Association has drafted a revision of the Indiana Appellate Rules and has proposed the revision to the Supreme Court Committee on Rules of Practice and Procedure.***

The proposal is now being evaluated by the Supreme Court Rules Committee, which welcomes comments from interested persons. Following are highlights of the revised rules.

The revisions were completed by a committee of more than 20 judges and practitioners. The committee's work began with a survey of appellate practitioners that produced nearly 100 responses suggesting changes to the rules. The process included three meetings in different locations in the state soliciting ideas about changes.

### **1. General Principles.**

The revised rules make very little change in the substance of current rules, although they add rules in areas that were not previously covered by specific rules (e.g. motion practice). They also codify some practices that were known to frequent appellate prac-

titioners but not generally known to the bar.

### **2. General Improvements.**

The rules are reorganized for easier reference. By splitting the current rules into shorter rules with titles, material is easier to find and the table of contents is a more useful guide. Some rules are reorganized for better reference with, for example, a single rule governing length of documents; a single rule governing form of documents; and a single rule governing time for filing.

The wording of the rules has been modernized. Some Latin has been eliminated (e.g. *praecipe*) in favor of English.

The rules have been changed to cover specifically all aspects of appeals from administrative agencies.

A section of definitions has been added to the rules, making

them as a whole less cumbersome.

Forms have been added to the rules to assist practitioners and add uniformity.

### **3. Record of Appeal.**

The largest single change may be in the area of records, as the record of proceedings as we know it has been abolished. The changes are aimed to make less paper for court staff, lawyers and judges. The appellate process still starts by filing a document (the notice of appeal) within 30 days of the judgment. Filing the notice of appeal is the only jurisdictional deadline under the new rules. The appellate filing fee is due when the notice of appeal is filed.

The notice of appeal directs the trial court clerk to assemble the clerk's portion of the record and the reporter to prepare the transcript. The rule specifies more clearly what portions of the transcripts must be ordered in some cases. The clerk's portion remains with the trial court clerk, for easy access by hometown counsel, unless a party by motion gets the clerk's portion sent to the appellate court clerk.

The trial court clerk has 30 days to assemble the clerk's por-

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tion of the record, and the clerk is relieved from the former duty to copy the record. Once the clerk assembles the clerk's part of the record, the clerk notifies the appellate court clerk, and jurisdiction passes to the appellate court. If the clerk cannot compile the clerk's portion within thirty days, the clerk must obtain an extension by motion the clerk files with the appellate court.

The reporter has sixty days to complete the transcript. If the reporter cannot, the reporter must obtain an extension by filing a motion with the appellate court. Appropriate forms will be available for the clerk and court reporter's use. The transcript also remains in the trial court for easy reference by hometown counsel unless a party moves to have it sent to the appellate court clerk's office. When briefing is completed, the transcript is sent to the appellate court.

Parties are required to provide the appellate court with an appendix, filed along with their briefs. The appendix must contain the judgment being appealed and a few other mandatory documents, and also should contain all the other information from the trial court record that the appellate court needs to decide the case. The appellate court has access to the transcript, so inclusion of transcript pages in the appendix is at the party's option. If the appellee believes the appellant has not provided the appellate court with all

necessary papers, the appellee may file its own appendix. Supplemental appendices may be filed by any party at any time through the end of briefing, and any material before the trial court may be included. Failure to include an appendix does not constitute waiver.

#### **4. Trial court clerk and court reporter.**

Everything governing what the trial court clerk must do in appealed cases is in one rule. Everything governing what the trial court reporter must do in appealed cases is in two rules, one governing the form of the transcript and another governing the reporter's other obligations.

Under the revised rules, the trial court clerk has no additional obligations and is relieved of the burden of copying the clerk's portion of the record.

Under the revised rules, the trial court reporter's duties are about the same. The court reporter is now required to annotate marginally the transcript, which many reporters do already. The reporter also is required to apply for extensions of time to file the record.

The Judge's certificate is abolished.

When transcripts are completed by computerized word processing, the reporter is to include a computer disk along with the paper transcript.

## ***Amicus Curious***

*Submitted by Lilia Judson*

### ***Local Rules Governing Assignment and Reassignment of Criminal Cases and Selection of Special Judges***

**Question:** What steps must a trial court take to amend its local rule for assignment and reassignment of criminal cases pursuant to Criminal Rule 2.2 and special judges selection pursuant to Trial Rule 79?

**Answer:** When a trial court finds it necessary to amend a local rule promulgated pursuant to Criminal Rules 2.2 and 13 or Trial Rule 79(H), the trial court must follow the same process that was followed in promulgating the original local rule. In all but a few

situations, the entire county is considered one entity, and all courts, as a group, must approve any amendment, usually by a majority vote. Those counties that were part of a district concept should obtain the approval of the remaining participating courts in the district, particularly when the rule provides for rotation among or selection of judges from outside the county seeking the amendment. In short, all of the courts that participated in the submission of the original local rule should participate in the amendment of that rule. Furthermore, the courts that participate in the rule amendment should sign the local rule, or, by a separate order adopting the amendment, should indicate each court's participation in the decision to amend.

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In requesting approval of revised local rules under T.R. 79 and Crim.R. 2.2 and 13, courts should review and identify clearly which local rules remain unchanged and which are being superseded by the proposed amended local rule. Also, when a local rule refers to reassignment or selection of a particular judge, courts are encouraged to refer generically to the judge of the particular court, e.g., "the Judge of the Adams Circuit Court," as opposed to the judge by name. This approach avoids the need for amendment when the regular judge of the court changes.

A number of courts have unique provisions for criminal case reassignment and special judge appointments in conflict situations. Each of these unique provisions should be incorporated, either by reference or specifically, in the general local rule promulgated under Crim.R. 2.2 and T.R. 79, so that the local rules, as a whole, make it perfectly clear which special judge selection method takes precedence in a given situation.

The proposed local rule amendment should then be submitted to

the Supreme Court for approval pursuant to T.R. 79 and Crim.R. 2.2 and 13. This can be done by letter directed to the Division of State Court Administration. The Supreme Court reviews the proposed amendment for compliance with the appropriate trial or criminal rule under which it was promulgated and for consistency with the prior local rules of the county and district previously approved by the Supreme Court. If all is in order, the Supreme Court hands down an order approving the amendment of the local rule.

## New Faces

### *State Court Administration*

**Nancy Gettinger** assumed the duties of Director of the Office of (Guardian Ad Litem) GAL/CASA on March 22, 1999. Nancy comes to State Court Administration from the Indiana Attorney General's Office, where she has spent the past five years as a Deputy in the Agency Litigation Section. Prior to the Attorney General's Office, Nancy was a staff attorney for the Family and Social Services Administration and chief counsel for the Marion County Office of Family and Children. Prior to receiving her J.D. Degree in 1990, Nancy was a caseworker for Child Protection Services.

**Tim Chiplis** joined the Technical Services Section of the Division of State Court Administration on February 15, 1999, as a PC/LAN support technician. Tim previously has worked for the General Assembly and Ameritech. Tim is a graduate of IUPUI with a degree in Electronics Technology. He is a native of Indianapolis and an alumnus of Ca-

thedral High School. Tim is a bicycle hobbyist.

**Jennifer Cleaver** has assumed the position of Payroll Support Clerk. Jennifer was previously employed by Professional Staff Management where she managed support services including payroll, benefits, and government compliance for approximately 1200 employees. Jennifer is a graduate of Butler University where she majored in English Literature and Business Administration, with a focus in marketing. Jennifer is originally from northern Indiana, having grown up in Hudson (near Angola).

### *Indiana Judicial Center*

**Anne Jordan** graduated from Indiana University School of Law in Indianapolis, in 1991.

After law school, Anne worked in an insurance defense firm for 2 years, then spent 5 years in the Office of General Counsel at the Family and Social Services Administration,

working as counsel to the Division of Family and Children.

Anne started at the Indiana Judicial Center on October 13, 1998, as a staff attorney in Juvenile Services. Projects include the Roster of Residential Facilities, the Court Improvement Project and Juvenile Benchbooks.

**Jennifer Bauer** graduated from DePauw University in 1988 and Indiana University School of Law Bloomington, in 1991.

She began her legal career as a Deputy Prosecutor in Lawrence County. For two years Jennifer worked as a law clerk for the Hon. Linda Chezem of the Indiana Court of Appeals. Prior to her employment with the Judicial Center, she worked for four years in private practice with an insurance defense firm.

Jennifer started at the Indiana Judicial Center on February 15, 1999, as the new staff attorney in the Research Division.

## Public Defender Commission

*Submitted by Tom Carusillo*

### Seven New Counties Eligible Under Reimbursement Statute

***Effective February 16, 1999, seven new counties have become eligible for reimbursement for indigent defense services under IC 33-9-14. These counties will be eligible to submit their first claims at the May meeting of the Commission.***

NEWLY ELIGIBLE COUNTIES	PREVIOUSLY ELIGIBLE COUNTIES	
Blackford	Benton	Miami
Fayette	Clark	Montgomery
Henry	Floyd	Orange
Jasper	Fulton	Parke
Jennings	LaPorte	Vermillion
Scott	Madison	Warren
Shelby	Marion	

Further, the Commission has debuted its presence on the Internet. Information regarding the Commission and its activities can be found at [www.state.in.us/judiciary/defender/page1.html](http://www.state.in.us/judiciary/defender/page1.html). Commission Standards are also available on this site.

With the need to start considering budgets for 2000, now is the time to plan for taking advantage of the reimbursement available through IC 33-9-14. The statute provides funds for helping counties meet their indigent defense costs that every county should consider. Qualifying requires the adoption

of a local ordinance creating a local public defender board and the preparation of a comprehensive plan outlining the means of delivering indigent defense services in the county. A sample ordinance and plan are available from the Division of State Court Administration. Staff can also assist in drafting an ordinance or plan that meets the particular needs of a given county. Assistance can be obtained by writing the Indiana Public Defender Commission, 115 West Washington Street, Suite 1080, Indianapolis, Indiana 46204, Attention Tom Carusillo, or by calling 317-232-2542, or sending E-mail to [tcarusil@courts.state.in.us](mailto:tcarusil@courts.state.in.us).

## Search for "Incompetent" Case Files

*Submitted by John Newman*

The Information Management Section is reviewing several of the retention schedules found in Administrative Rule 7. The Section seeks input from Clerks of the Circuit Court who may have case

files called "Incompetent" as a sub-class under "Mental Health." If you have such a class of case files, please contact John J. Newman at State Court Administration.

## 1999 ICLEO Fellows Chosen

*Submitted by Kim Jackson*

***The Supreme Court's Indiana Conference for Legal Education Opportunity soon will announce its 1999 class of Fellows.***

Indiana CLEO assists Indiana low-income, educationally disadvantaged, and minority college graduates in pursuing a law degree and a career in the Indiana legal and professional community. The program was established by the Indiana Legislature and Governor Frank O'Bannon in 1997 at the urging of Chief Justice Randall T. Shepard. The program is governed by an Advisory Committee which is chaired by Chief Justice Shepard and is administered by the Division of State Court Administration.

The Indiana CLEO Advisory Committee met in Bloomington on April 5 to review close to 90 applications submitted this year. Approximately 30 of the applicants will fill the 1999 Indiana CLEO class. Applicants will learn by the

end of April if they have been accepted.

This is the third class of Indiana CLEO Fellows selected by the Advisory Committee since Indiana CLEO was created. As Indiana CLEO Fellows are selected immediately before they begin law school, 1999 marks the first time Indiana CLEO will have a full complement of Fellows; that is, first-year, second-year and third-year law school students will be among the Indiana CLEO Fellows. The program may have its first graduate as early as August 1999, as some students have accelerated their law school studies.

The 1999 Indiana CLEO Fellows will participate in a Summer Jobs Program beginning in May. As part of that program, private

and governmental employers across the state will hire Indiana CLEO Fellows for law clerkships and other law-related positions. A number of courts are among the employers involved in the Summer Jobs Program.

Indiana CLEO has limited funds available to help promote the CLEO Summer Jobs Program and defray some costs of employment. Courts that are interested in offering summer employment to an Indiana CLEO Fellow either this year or next, please contact Kim Jackson by telephone at (317) 232-7639 or by e-mail at [kjackson@courts.state.in.us](mailto:kjackson@courts.state.in.us) as soon as possible.

The Indiana CLEO Advisory Committee consists of: Chief Justice Shepard, Chair; Lake Circuit Court Judge Lorenzo Arredondo; Rabb Emison; Gary City Court Judge Karen Freeman-Wilson; Denise Hillenbrand; Nathaniel Lee; Father James McDonald; Dean Susannah Mead; and Marion Superior Court Judge Susan Macey Thompson.

### ***Current Participants in the ICLEO Job Bank***

- Indiana Court of Appeals
- Indiana Supreme Court
- Indiana Tax Court
- Office of the State Public Defender
- Office of the Attorney General
- Indiana Judicial Center
- Indiana Office of Utility Consumer Counselor
- Marion County Prosecutor's Office
- Allen County Prosecutor's Office
- Hamilton County Prosecutor's Office
- Indianapolis Office of Corporation Counsel
- The Hon. Lorenzo Arredondo, Lake Circuit Court
- The Hon. Sheila Moss, Lake Superior Court
- Gary City Clerk, Katie Hall
- U.S. District Court for the Southern District of Indiana
- Indiana State Bar Association
- Bunger & Robertson, Bloomington
- Baker & Daniels, Indianapolis
- Kiefer & McGoff, Indianapolis
- Alexander Lopez, Merrillville
- Hodges & Davis, P.C., Merrillville
- Marce Gonzalez, Merrillville
- John Henry Hall, Gary
- Martz & Boyles, Valparaiso

# Information Management

*Submitted by Tom Jones*

## New and Revised Protection Order Forms

### I. Developmental Process

The Division of State Court Administration sent draft copies of protection order forms with a request to review them and to make suggestions to many clerks, deputy clerks, and judges. Most of the suggestions that were made have been implemented. We also contacted several law enforcement agencies including the Indiana State Police. Their comments have been very helpful as well.

### II. Purpose

The main reason for revising or creating these forms is to include more personal identifying data elements on the forms to make certain that the correct people will be identified in protection orders. In accordance with state and federal legislation, there are now three levels of protection order depositories—local, statewide, and nationwide. At the state and national levels, on-line databases now exist that contain the names of both the protected persons and the restrained persons. It is extremely important that people be identified correctly. Misidentification can be extremely damaging to the restrained and the protected. It is imperative that correct information about individuals be connected to the correct individuals.

It is also very important to law enforcement agencies that they will be enforcing protection order restrictions against the correct people. The majority of the revisions in the forms have been made at the request of the law enforcement community. Recognizing the crucial role that correct identity in protective orders plays and the potential negative fallout from misidentification, the Division has incorporated the changes suggested by law enforcement. The consequences of making a false arrest or enforcing a protection order against the wrong person potentially could be very expensive and detrimental for governments at all levels.

### III. Revised Forms

The Division of State Court Administration has

been mandated by the Indiana General Assembly to “prescribe or approve” three protection order forms. They are:

- ◆ (1) **Notice of Termination**,
- ◆ (2) **Notice of Extension or Modification**, and
- ◆ (3) **Confidential Form**.

The statutory authority for the **Notice of Termination** is **IC 5-2-9-6 (d)(1)** that states:

*(d) An order may be removed from the depository established under this chapter [i.e., Protective Order Depository] only if the sheriff or law enforcement agency that administers the depository receives:*

*1) a notice of termination on a form prescribed or approved by the division of state court administration.*

**IC 5-2-9-6(e)** provides that the Notice of Termination is to be filed by the protected person with the clerk of the court who in turn sends a copy of the Notice of Termination to the appropriate law enforcement agencies. The original form that had been filed by the protected person is placed in the case file.

The statutory language authorizing the **Notice of Extension or Modification** is very similar to that authorizing the **Notice of Termination**, and it is found in **IC 5-2-9-6 (f)**. The procedures for handling the two forms are the same.

The **Confidential Form** is authorized under **IC 5-2-9-6 (b)**, and its confidential nature, and that of any other confidential information gathered concerning a protection order, is protected by **IC 5-2-9-7** as well as **Administrative Rule 9 (N)** of the Supreme Court of Indiana.

### IV. New Form: Protection Order Data Collection Form

The **Protection Order Data Collection Form** has *not* been mandated by the Indiana General Assembly. Rather, we have developed the form as a result of consultation with the Indiana State Police. It has been patterned after the *Protection Order Notice to NCIC* form that is used by law enforcement agencies to report protection order data to the Federal Bureau of Investigation (FBI) to be placed on the

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FBI's NCIC computer system as part of the nationwide on-line protection order database that is maintained by the FBI. The data elements in the two forms are very similar.

This new form is strictly voluntary, and it is at the discretion of the local trial court judiciary as to how the form is to be used. Trial court judges have the discretion as to whether to use the form in a protection order case (restraining

orders or protective orders). The presiding judge may assign the responsibility for completing the form to an appropriate person. The completed form should be sent by the clerk to the local law enforcement agency with the protection order itself. Representatives from the Indiana State Police have recommended that if trial courts decide to use this form, that they should alert the local law enforcement agencies about it in advance before using it.

## V. Internet Access

In the near future, the four forms will be available on the Division of State Court Administration's web site on the Internet at <http://www.state.in.us.judiciary/admin/forms> or <http://www.ai.org/judiciary/admin/forms>.

Telephone questions should be addressed to Tom Jones at (317) 232-4703 or e-mail address at [tjones@courts.state.in.us](mailto:tjones@courts.state.in.us).

## Legal Motions

*Legal Motions features personnel changes in the Indiana Judiciary. If you have any news of retirements, resignations, new appointments, or people on the move, we would be happy to feature it.*

The following are results of the judicial elections that took place in November.

**Allen Superior Court**, The Hon. Kenneth Scheibenberger (**retained**);

**Allen Superior Court**, The Hon. Charles F. Pratt (**retained**);

**Bartholomew Circuit Court**, The Hon. Stephen Heimann (**retained**);

**Blackford County Court**, The Hon. John Forcum (**retained**);

**Cass Superior Court**, The Hon. Thomas C. Perrone (**new**);

**Dearborn/Ohio Circuit Court**, The Hon. James D. Humphrey (**new**);

**Dubois Superior Court**, The Hon. Howard Lytton, Jr. (**new**);

**Elkhart Circuit Court**, The Hon. Terry C. Shewmaker (**new**);

**Fayette Circuit Court**, The Hon. Daniel Pflum (**retained**);

**Floyd Circuit Court**, The Hon. J. Terrence Cody (**new**);

**Fountain Circuit Court**, The Hon. Susan Orr Henderson (**new**);

**Harrison Circuit Court**, The Hon. Harris Lloyd Whitis (**new**);

**Knox Circuit Court**, The Hon. Sherry L. Biddinger Gregg (**new**);

**Madison Superior Court**, The Hon. Dennis Carroll (**retained**);

**Monroe Circuit Court**, The Hon. Elizabeth Mann (**retained**);

**Noble Circuit Court**, The Hon. G. David Laur (**new**);

**Orange Circuit Court**, The Hon. Larry R. Blanton (**new**);

**Parke Circuit Court**, The Hon. Ronda Brown (**retained**);

**Porter Superior Court**, The Hon. Julia Jent (**retained**);

**Putnam Circuit Court**, The Hon. Diana LaViolette (**retained**);

**Tippecanoe Superior Court**, The Hon. Loretta H. Rush (**new**);

**Union Circuit Court**, The Hon. James Ronald Williams (**new**);

**Vanderburgh Superior Court**, The Hon. Robert J. Pigman (**new**);

**Whitley Superior Court**, The Hon. Michael Rush (**retained**).

## New Appointments

The Hon. Daniel Gettelfinger was appointed to fill the vacancy in **Morgan Circuit Court** caused by the resignation of the Hon. James E. Harris.

## ISETS—QUEST—ICWIS: Coming Soon to Your Bailiwick!

*Submitted by the Hon. Harold E. Brueseke, Magistrate of St. Joseph Probate Court*

*This article was written to provide readers of The Indiana Court Times with an understanding of the practical application of Quest by the St. Joseph Probate Court to its paternity civil caseload, to note challenges to courts and clerks that occur in a change from the old to the new, and to suggest practical ways to overcome the challenges.*

**A. A Bit of History:** After our nation emerged from the revolution, De Tocqueville pointed out our adherence to a "social contract" by observing that "[in] the United States everyone is personally interested in enforcing the obedience of the whole community to the law... However irksome an enactment may be, the citizen of the United States complies with it, not only because it is the work of the majority, but because it is his own, and he regards it as a contract to which he is himself a party.<sup>1</sup> Today in an even more complex and disparate society, the work of our courts reflects a continuation of the social contract. More often than not, citizens continue to seek redress through the legal system rather than resorting to the streets. Given the complexities of the modern world and the ever burgeoning caseloads of our courts:

To preserve the rule of law in a free society, courts must earn and maintain the public's respect and confidence. The private sector is quickly discovering, and courts are increasingly recognizing, that

an important factor in cultivating public goodwill is to focus on serving customers. In a court context, this means providing all users of the courts with services that are understandable, convenient and easy to use.<sup>2</sup>

**B. Emergence of Court Technology:** From the time of De Tocqueville up to the late 1960's, the manual, paper based American legal system changed little. Advances in the use of court technology occurred more rapidly in the period from my admission to the bar in 1968 to the present than at any other time. I have seen changes ranging from the early IBM "magcard" memory typewriter to super fast personal computers capable of using voice recognition software. The long metes and bounds legal descriptions and bond issue transcripts that my secretary had to type manually (and unfortunately retype when errors were made) in my early years of practice have been replaced by computer word processors with instantaneous spell check and grammar check ability. Locally, during the last thirty (30)

years, courts and the clerk's office have changed from using repetitive manual typing of court minutes (the same thing being typed by court reporters, counter clerks and order book clerks) to the creation of court minutes with word processing and the creation of order book entries by photo copying. As will be discussed below, the St. Joseph Probate Court has gone a step further by adopting a unified case management system.

At the state level, the Indiana Division of State Court Administration evaluated ways to help courts focus on serving the public through the use of "automated court management systems." That analysis resulted in the September 1998 adoption of the AIMS ("Automated Information Management System") standards<sup>3</sup> intended: "1) to establish some basic uniformity and a minimum functional threshold for court case management systems throughout Indiana, and 2) to begin building the technical infrastructure necessary to enable sharing of critical data between courts and other users of judicial information."

That court personnel, lawyers, and judges can now benefit from an understanding of the practical application of emerging technology to their work, is confirmed by the topics on the agenda of the Spring 1999 Meeting of the Indiana State Bar Association including: "*The Ticking Time Bomb: Why Every Lawyer Should Care About Year 2000 Issues in the Law Office*", "*Leveling The Playing Field: Courtroom Tech-*

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*nology and Strategy*", "Emerging Issues in Computer Law and Electronic Commerce: The Questions Your Client May Ask Tomorrow", "Using the Internet to Grow Your Small Business Practice", "Ethics and Client Communications in the Technological Age", and "Emerging Technologies in Legal Research: Where are you?"

One case management system which was developed with the AIMS standards in mind is the *Quest* system currently in use in juvenile courts in Lake County, Marion County, Howard County, St. Joseph County, as well as courts in Baltimore, MD and Ft. Lauderdale, FL. Several other Indiana counties are also considering using *Quest* for their court needs.

**C. The *Quest* Case Management System:** *Quest* is a fully automated case management system that allows: 1) remote access; 2) internal networking; 3) management of all case functions including pleadings and Chronological Case Summaries; 4) instant retrieval by authorized on-site or remote users of court records; 5) scheduling; 6) order book generation; 7) preparation of statistical information including the statistical information required by the Indiana Supreme Court; and 8) most uniquely, the ability of each purchaser of the system to benefit from and use at no extra cost the various forms and processes designed for each purchaser of the system. *Quest* was developed by Gottlieb & Wertz from 1992 through 1994 to meet the case management needs of trial courts, particularly those with juvenile jurisdiction. It is likely that *Quest* is currently used to manage in excess of sixty-five per cent (65%) of delinquency cases filed in Indiana juvenile courts. In its promotional material, the company points out that "Forms management is the 'crown jewel' of *Quest*" and that the information tracked includes among other things: 1) Person specific information, 2) Case specific information, 3) Court information, 4) Detention/ Shelter care/Residential data, and 5)

Probation/Case worker information.

**D. Use of *Quest* by the St. Joseph Probate Court:** In May of 1997, the St. Joseph Probate Court moved into new facilities in the *St. Joseph County Juvenile Justice Center*.<sup>4</sup> Anticipating the effective use of this facility, Judge Peter J. Nemeth determined to provide the public with a "one stop shopping" site in St. Joseph County, Indiana for services related to youth. He recognized the need for the accurate and efficient collection and manipulation of data related to the functions of the Court and other agencies located in the center (i.e., court and clerks staff, a secure detention facility including appropriate educational facilities, probation, protective services staff of the local Office of Family and Children, CASA, prosecutor, IV-D child support, public defenders and various youth serving programs developed by the Court).

Upon evaluating various case management software programs available in the marketplace in conjunction with related hardware requirements, as a part of moving into the facility in May of 1997, the Court purchased the *Quest* system and adapted it to manage its detention, probation and delinquency caseloads. The following table summarizes the Court's response to a March 29, 1999 inquiry from the Indiana Supreme Court Division of State Court Administration regarding the Court's use of case management systems:

Software Vendor: Gottlieb & Wertz, 3500 DePauw Boulevard, Suite 1036 Indianapolis, IN 46268 Telephone: 317-471-9005, FAX: 317-471-9341	
No. of PC's with access to <i>Quest</i> on network:	-43-
No. of dumb terminals with access to <i>Quest</i> on network:	-50-
No. of pass through connections via Clerk's ISETS AS-400 system (generally Prosecutor IV-D staff) to <i>Quest</i> :	-20-
No. of modems allowing remote access to <i>Quest</i> :	-6-
No. of people regularly using modem access (generally prosecutor, judiciary, probation officers and Gottlieb & Wertz) to <i>Quest</i> :	-15 to 20-
How Long Court Has Used <i>Quest</i> Vendor:	1997
Satisfaction with features/capabilities of <i>Quest</i> :	Very satisfied
Satisfaction with training provided with <i>Quest</i> :	Very satisfied
Satisfaction with support provided with <i>Quest</i> :	Very Satisfied

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In implementing the *Quest* system, Judge Nemeth envisioned its use with all of the court's cases including delinquency cases, CHINS cases, a burgeoning paternity civil caseload and ultimately the full probate caseload ranging from guardianships to estate administration. The delinquency caseload eventually went "online" after the Court moved into the *St. Joseph County Juvenile Justice Center*. With a development grant from the Indiana Supreme Court<sup>5</sup>, the Court is now in the process of tying *Quest* and *ICWIS* (the Indiana Child Welfare Information System) together so that both systems can communicate with each other. When complete, that communication process will become a two (2) way street with each system being able to pass usable data to each other. Existing information in *ICWIS* will be able to be read by and used by *Quest* to initiate a CHINS case. Pleadings, court proceedings, etc. from a CHINS case created in *Quest* will be able to be transferred to *ICWIS* thereby avoiding duplicate data entry. This process will be handled through the use of a special transaction server. Users of *ICWIS* will be able to make inquiries through *ICWIS* about cases and individuals for whom data exists in *Quest*.

Following an electoral change-over in the local prosecutor's IV-D office in January of this year, after initial forms development in late 1998 by the previous prosecutor's IV-D staff, and after receipt of an additional development grant from the Indiana Supreme Court,<sup>6</sup> the

Court's paternity caseload in part began to be managed by *Quest* around March 1 of this year. Because of that developmental grant and the forms development by both prosecutor's staff and the Court's judiciary, the St. Joseph County Prosecutor is now able to prepare, file and manage a paternity civil action by directly inputting data from the Indiana *ISETS* system. This means that: 1) pre-existing data in *ISETS* can be read over into *Quest*, 2) either with or without such "read-in" data *Quest* can be used from a remote or on-site location to prepare needed documents (petition, summons, subpoena, notices, genetic test requests, orders, etc.) to initiate/manage either a new or an existing paternity civil action, and 3) the Court can manage such cases and prepare/issue real time orders contemporaneously with a hearing. This also means that the unique identifier assigned to a child upon the opening of a case may ultimately be used to track that person from birth to death. The Court now has, and will have to a greater extent as more cases are added and included within *Quest*, the ability to see at the bench or at any site on the network, information and historical data about other cases in which a particular person is involved.

**E. Practical concerns in choosing a case management system:** After using the *Quest* system for more than a year, and upon reflecting on our experience, I suggest that courts considering the adoption of an automated case

management system need to be aware of the following elements which are an integral part of any change from a traditional paper based recordkeeping system to a computer managed automated case management system:

1. The interface between new technology generally and the ultimate user: Users of new technology must understand that accommodations to tradition and human factors must be made in implementing new ways of doing things. A collaborative approach giving the user a chance to understand a bit of why and how things work is important. Training and consideration of how and where new equipment will be located in the work environment is important. Though it may be easier to design location, wiring runs, connections, etc. into an entirely new facility than to adapt such things to an existing facility, modifications required to existing facilities are really not a barrier.

2. The need for continued refinement and development: Depending on the degree of sophistication of a particular program or case-management system, there is a need to regularly update the style, format and content of the program. Those of us working in the juvenile law or civil law area are well aware of the numbering changes made in the last two (2) legislative sessions as Titles 31 and 34 of the Indiana Code were recodified. These recodifications necessitated a change in various forms, etc. to reflect the new code

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citations. If we are to be true to providing the public with user friendly information then that information needs to be accurate!

3. The need for an in-house staff person to work with hardware and software: As suggested above, the need to refine and change things suggests the need to have someone on site fully able to produce required change/corrections. Although with remote access, the *Quest* vendor is able to connect to our system and make needed changes/corrections, it is better to have an on-site person able to do what is necessary. As our experience with *Quest* has progressed, we have relied on the vendor, an in-house probation officer and more recently a member of the Prosecutor's IV-D staff to provide modification and correction of the program to meet evolving needs. Gottlieb & Wertz support this position and will assist in the training of key personnel. Clearly this is more efficient and cost effective. Complex changes can always be referred back to the vendor.

4. The need for training for new users including the private bar: As things progress, with proper training and concerns for security (*Quest* provides various levels of security in terms of who can see what and who can modify or add what data) the Court plans on making remote *Quest* access available to the private bar as they pursue their paternity civil actions before the Court. An indirect but positive result of such use will be

the standardization of the forms and orders used in paternity practice in St. Joseph County. As noted at the outset, such standardization can provide the public with procedures and information that is "understandable, convenient and easy to use."

**F. Conclusion:** So far, *Quest* has benefitted this Court in data tracking, forms management and "people management" since the Court began using the program. Its use has caused detention staff, probation staff, prosecutor staff (both delinquency and IV-D), clerk staff, and judicial officers and staff, and others to accept new ways of doing business. *Quest* is a very reliable system. It runs on an IBM AS400 and will support either the use of "dumb terminals" or a PC with a keyboard emulation package. A "front end" graphical interface is also available from Gottlieb & Wertz via their "Delphi" and "NewLook" enhancements.

In short, for our court the system is very functional and positively impacts the entire court system by reducing workload caused by redundant entries. Our use of *Quest* enhances information distribution and more immediate service to those using the court system. For our Court, *Quest* has proven to be a positive answer to our obligation to provide "users of the courts with services that are understandable, convenient and easy to use."

## NOTES

<sup>1</sup> 1 *DETOCQUEVILLE, DEMOCRACY IN AMERICA* 247-248 (H. Reeve, transl. 1945).

<sup>2</sup> *User-Friendly Justice*, American Judicature Society, Introduction page vii (1996, West Publishing Co.).

<sup>3</sup> These standards are found on the Internet at <http://www.state.in.us/judiciary/admin/aims>.

<sup>4</sup> See <http://users.michiana.org/probate>.

<sup>5</sup> An *Indiana Court Improvement Grant* of twenty-five-thousand-dollars (\$25,000.00) was awarded to the Court in December of 1997 by the Indiana Supreme Court. This grant along with a nine-thousand dollar (\$9,000.00) match was used to help establish a two-way interface between *Quest* and *ICWIS* to reduce the need for redundant data entry when creating CHINS cases in *Quest*.

<sup>6</sup> An *Indiana Court Improvement Grant* of ten-thousand dollars (\$10,000.00) was awarded to the Court in November of 1998 by the Indiana Supreme Court. This grant along with a four-thousand dollar (\$4,000.00) local match was used to help establish an interface between *Quest* and *ISETS* so that the St. Joseph County Prosecutor could reduce the need for redundant data entry when creating new paternity civil cases by reading *ISETS* data directly into *Quest*.

For more information about this subject, visit St. Joseph County's website at <http://users.michiana.org/probate>.



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### **Please Circulate to Co-workers**

**This newsletter reports on important administrative matters. For future reference, add it to your Trial Court Administrative Manual.**

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